THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION No.5117 of 2006

ORDER:

It is the case of the petitioner that pursuant to the auctions that were conducted on 17-12-2005 for the enjoyment of usufruct on cashew nut trees situated in 330 Acres in R.S.No.1/1 of Komatigunata Gram Panchayat of Gopalapuram Mandal for 415 Fasali, he was the highest bidder with a bid amount of Rs.1,88,000/-. It is also stated that he paid an amount of Rs.94,000/- to the Gram Panchayat on
17-12-2005 and also paid the remaining amount of Rs.94,000/- on 3-2-2006. The grievance of the petitioner is that though he has paid the entire amount, the said possession has not been handed over to him.

The learned Government Pleader appearing for the respondents submits that the cashew nut trees were handed over in respect of the land of 330 acres on 3-2-2006 to the petitioner and the petitioner has also engaged a watchman in the aforesaid premises.

In view of the facts and circumstances of the case, and in view of the said representation that the said cashew nut trees were handed over to the highest bidder i.e., to Sri Kella Anjaneyulu on 3-2-2006, the petitioner is entitled to extract usufruct of the Cashew nut trees in accordance with law for the auctions/lease period.

Accordingly, the Writ Petition is disposed of at the stage of admission.

21st March, 2006.

mrb